

**VETERANS' TRUST FUND**  
**Act 9 of 1946 (1st Ex. Sess.)**

AN ACT to create the Michigan veterans' trust fund, and to define who shall be eligible to receive assistance therefrom; to provide for the disbursement of the income thereof and surplus therein; to create a board of trustees, and to prescribe its powers and duties; to provide for county and district committees, and their powers, duties, and expenses; to prescribe penalties; and to make appropriations to carry out the provisions of this act.

**History:** 1946, 1st Ex. Sess., Act 9, Imd. Eff. Feb. 25, 1946;—Am. 1949, Act 306, Eff. Sept. 23, 1949;—Am. 1958, Act 139, Imd. Eff. Apr. 18, 1958.

**Popular name:** Veterans' Trust Fund Act

*The People of the State of Michigan enact:*

**35.601 Repealed. 1995, Act 27, Eff. Dec. 21, 1997.**

**Compiler's note:** The repealed section pertained to creation and administration of Michigan veterans' trust fund.

**Popular name:** Veterans' Trust Fund Act

**35.601a-35.601c Repealed. 2005, Act 250, Imd. Eff. Dec. 1, 2005.**

**Compiler's note:** The repealed sections pertained to transfer of assets from veterans' trust fund for nursing facilities and college tuition grants.

**Popular name:** Veterans' Trust Fund Act

**35.601d Repealed. 1980, Act 403, Imd. Eff. Jan. 8, 1981.**

**Compiler's note:** The repealed section pertained to transfer of funds to special assessment revolving fund.

**Popular name:** Veterans' Trust Fund Act

**35.601e, 35.601f Repealed. 2005, Act 250, Imd. Eff. Dec. 1, 2005.**

**Compiler's note:** The repealed sections pertained to transfer of appropriations to the general fund for veterans' facilities and appropriation for construction of Grand Rapids veterans' facility outpatient center.

**Popular name:** Veterans' Trust Fund Act

**35.602 "Michigan veteran" defined; eligibility for benefits; period constituting World War II; validation of prior grants.**

Sec. 2. For the purposes of the administration of this act, a Michigan veteran as defined by Act No. 190 of the Public Acts of 1965, as amended, shall be deemed to be a person, male or female, whose legal residence immediately prior to entering the service was in Michigan, who entered upon or was in active service in the armed forces of the United States, at any time for at least 180 days from and after the date as defined by Act No. 190 of the Public Acts of 1965, as amended, being sections 35.61 and 35.62 of the Michigan Compiled Laws or Vietnam era, as determined for the purposes of administration of this act, whether by induction, enlistment, commission, warrant, or otherwise, and who has been honorably discharged, retired, or separated therefrom, or who has reverted to an inactive status therefrom under honorable conditions. However, former members of the women's auxiliary army corps who refused to accept transfer to or induction into the women's army corps shall not be deemed to be veterans within the meaning of this definition. A veteran who did not have legal residence in Michigan immediately prior to entering the military service may become eligible to benefits administered under this act after having established a legal residence in Michigan. A veteran whose legal residence was in Michigan prior to entering military service will lose his rights under this act by leaving this state for a period of time exceeding 2 years. A person who shall have been separated for reason of physical or mental disability incurred in the line of duty prior to the completion of 180 days' service shall be considered a veteran for the purpose of the administration of this act. World War II shall be deemed to be that period from and after August 27, 1940, to the inclusive date of June 30, 1946. Grants made to eligible Michigan veterans between June 30, 1946, and the effective date of this act are declared valid. A person otherwise qualified with at least 90 days of service during World War I, Spanish American War or Mexican Wars, as defined in Act No. 190 of the Public Acts of 1965, as amended, shall be deemed a veteran for the purposes of this act.

**History:** 1946, 1st Ex. Sess., Act 9, Imd. Eff. Feb. 25, 1946;—CL 1948, 35.602;—Am. 1949, Act 306, Eff. Sept. 23, 1949;—Am. 1951, Act 123, Imd. Eff. June 1, 1951;—Am. 1960, Act 102, Eff. Aug. 17, 1960;—Am. 1968, Act 349, Imd. Eff. July 30, 1968;—Am. 1969, Act 51, Imd. Eff. July 21, 1969;—Am. 1975, Act 226, Imd. Eff. Aug. 27, 1975.

**Popular name:** Veterans' Trust Fund Act

### **35.602a Korean national emergency period; validation of grants.**

Sec. 2a. The period of the state of national emergency beginning June 27, 1950, as proclaimed by the president of the United States December 16, 1950, shall be that period from and after June 27, 1950, to the inclusive date of December 31, 1953. All grants made between December 31, 1953 and the effective date of this act are declared valid.

**History:** Add. 1955, Act 95, Eff. Oct. 14, 1955.

**Popular name:** Veterans' Trust Fund Act

### **35.603 Michigan veterans' trust fund board of trustees; creation; appointment, qualifications, and terms of members; compensation and expenses; organizations eligible for representation on board; oath; removal of member; offices; assistants.**

Sec. 3. There is created a Michigan veterans' trust fund board of trustees to consist of 2 representatives of the American Legion, 2 representatives of the Veterans of Foreign Wars of the United States, 1 representative of the Disabled American Veterans, and 1 representative of the American Veterans of World War II-Korean-Vietnam, to be appointed by the governor upon recommendation of the organizations named, for terms of 3 years each. Each member of the board shall be an honorably separated veteran as defined by Act No. 190 of the Public Acts of 1965, as amended. Members of the board shall serve without compensation, but shall be entitled to actual and necessary expenses incurred in carrying out their duties. An organization composed exclusively of honorably discharged veterans as defined by Act No. 190 of the Public Acts of 1965, as amended, which has attained a bona fide membership of not less than 7,500, and which has established not less than 40 posts in not less than 25 counties of the state, shall be eligible for representation on the board of trustees, under the same provisions as other representation on the board of trustees is attained. Each member of the board shall qualify by taking and filing the constitutional oath of office, and shall serve until the appointment and qualification of his successor. The governor may remove any member of the board for misfeasance, malfeasance, or nonfeasance in office, after hearing. The department of management and budget shall furnish suitable offices for use of the board. The board may employ assistants and incur expense necessary in carrying out this act.

**History:** 1946, 1st Ex. Sess., Act 9, Imd. Eff. Feb. 25, 1946;—CL 1948, 35.603;—Am. 1954, Act 117, Eff. Aug. 13, 1954;—Am. 1975, Act 226, Imd. Eff. Aug. 27, 1975.

**Transfer of powers:** See MCL 16.206.

**Popular name:** Veterans' Trust Fund Act

### **35.603a Conducting business at public meeting; exception; notice; availability of writings to public; "emergent need" defined.**

Sec. 3a. (1) Except as provided in this section, the business which the Michigan veterans' trust fund board of trustees or a county or district committee may perform shall be conducted at a public meeting of the board or committee held in compliance with Act No. 267 of the Public Acts of 1976, as amended, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976, as amended.

(2) A writing prepared, owned, used, in the possession of, or retained by the Michigan veterans' trust fund board of trustees or a county or district committee in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, as amended, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

(3) Act No. 267 of the Public Acts of 1976, as amended, shall not apply to the Michigan veterans' trust fund board of trustees or a county or district committee when the board of trustees or county or district committee is deliberating the merits of an emergent need. "Emergent need" means a situation which the board of trustees, by rules promulgated pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws, determines requires immediate action.

**History:** Add. 1978, Act 158, Imd. Eff. May 22, 1978;—Am. 1981, Act 160, Imd. Eff. Nov. 30, 1981.

**Popular name:** Veterans' Trust Fund Act

**Administrative rules:** R 35.621 et seq. of the Michigan Administrative Code.

### **35.604 Board of trustees; powers and duties.**

Sec. 4. The board of trustees shall be a policy-making body, on the state level, and shall have the following powers and duties:

(a) To determine the purposes for which available moneys in the trust fund in excess of \$50,000,000 are to

be allocated to the several veterans' county and district committees;

(b) To allocate part or all of available moneys in the trust fund in excess of \$50,000,000 to the several veterans' county and district committees, and to disburse said allocations from time to time on the basis of need;

(c) To prescribe rules governing the granting of assistance to Michigan veterans, their unremarried widows and dependents on the basis of need, including the prescribing of the necessary forms and the making of necessary reports and accounting; for the purposes of the administration of this act dependents shall be considered to be any persons legally entitled to look to the veteran for his or her support;

(d) To collect data and information as to the facilities and services available to Michigan veterans and disseminate the same to veterans' organizations and individual veterans: Provided, however, That in no event shall more than \$5,000.00 be expended for this purpose in any 1 year;

(e) To do all acts necessary in carrying out the provisions of this act;

(f) To receive and accept gifts and donations of property, real or personal, and shall hold, use and apply the property so received for purposes set forth in the instrument of gift and in accordance with the provisions of such instrument and subject to the conditions and limitations, if any, therein expressed, if the purposes limited by such gifts are within the purposes of this act;

(g) To submit to the governor a quarterly fiscal report and an annual report of operations and such other reports as may be requested by the governor covering the activities of the board;

(h) The Michigan veterans' trust fund board of trustees shall not be empowered to file application for or to prosecute the claim of any individual for any benefit accruing to such individual under the laws administered by the United States veterans' administration.

**History:** 1946, 1st Ex. Sess., Act 9, Imd. Eff. Feb. 25, 1946;—CL 1948, 35.604;—Am. 1949, Act 306, Eff. Sept. 23, 1949.

**Popular name:** Veterans' Trust Fund Act

**Administrative rules:** R 35.1 et seq.; R 35.621 et seq.; R 35.631 et seq.; and R 35.651 et seq. of the Michigan Administrative Code.

### **35.604a Graves registration list.**

Sec. 4a. The board of trustees shall compile and maintain a graves registration list of all burials of veterans in this state.

**History:** Add. 1974, Act 134, Imd. Eff. June 5, 1974.

**Popular name:** Veterans' Trust Fund Act

### **35.604b Administration of trust fund by board of trustees.**

Sec. 4b. The board of trustees shall administer the Michigan veterans' trust fund established under section 37 of article IX of the state constitution of 1963.

**History:** Add. 1995, Act 27, Eff. Dec. 21, 1996.

**Popular name:** Veterans' Trust Fund Act

### **35.605 Earnings of Michigan veterans' trust fund; allocation; investment; accounting.**

Sec. 5. (1) The earnings of the Michigan veterans' trust fund shall be allocated from time to time by the board of trustees as follows:

(a) The operating expenses of the fund shall be approved annually and funded from the surplus earnings.

(b) Fifty percent of the remaining surplus in and the earnings of the fund shall be allocated for distribution to county and district committees on the basis of need as determined by the board.

(c) The balance of the surplus in and earnings of the trust fund after allocations under subdivisions (a) and (b) shall be allocated in part or in whole to the several county and district committees on the basis of veteran population. The funds made available to the board of trustees for distribution to county and district committees on the basis of need as determined by the board of trustees shall be disbursed only for the same purposes of providing for needs of Michigan veterans as defined by 1965 PA 190, MCL 35.61 to 35.62, or their dependents as are the funds allocated to county and district committees on the basis of veteran population.

(2) The state treasurer shall direct the investment of the Michigan veterans' trust fund. The state treasurer shall have the same authority to invest the assets of the trust fund as is granted to an investment fiduciary under the public employee retirement system investment act, 1965 PA 314, MCL 38.1132 to 38.1140m. The state treasurer shall comply with the divestment from terror act in making investments under this act. The trust fund shall be considered state funds and shall be protected by the official bond of the state treasurer.

(3) The state treasurer shall annually prepare an accounting of revenues and expenditures from the trust fund. This accounting shall specifically identify the interest and earnings of the trust fund, shall describe how the amount of interest and earnings has been affected by the expanded investment options provided for in

subsection (2), and shall identify how the increased interest and earnings, if any, have been expended. This accounting shall be provided to the senate and house of representatives appropriations committees.

**History:** 1946, 1st Ex. Sess., Act 9, Imd. Eff. Feb. 25, 1946;—CL 1948, 35.605;—Am. 1949, Act 197, Imd. Eff. May 27, 1949;—Am. 1949, Act 306, Eff. Sept. 23, 1949;—Am. 1954, Act 117, Eff. Aug. 13, 1954;—Am. 1968, Act 349, Imd. Eff. July 30, 1968;—Am. 1975, Act 226, Imd. Eff. Aug. 27, 1975;—Am. 2002, Act 53, Eff. Sept. 21, 2002;—Am. 2008, Act 235, Imd. Eff. July 17, 2008.

**Popular name:** Veterans' Trust Fund Act

### **35.606 Veteran county and district committees; establishment; purpose; appointment and qualifications of members; removal of member; compensation and expenses; office space; appeal.**

Sec. 6. The board of trustees shall establish in the several counties of the state representative veteran county committees for the administration of the allocated moneys on the local level, and may combine 2 or more counties into a district when, in the opinion of the board of trustees, a more efficient local administration may result therefrom. Each veteran county or district committee shall consist of 1 representative of the American Legion, 1 representative of the Veterans of Foreign Wars of the United States, 1 representative of the Disabled American Veterans, 1 representative of the American Veterans of World War II-Korean-Vietnam, to be appointed by the board of trustees upon recommendation of the organizations named. When in a county or district not more than 2 of the above named 4 organizations have organized and functioning local units, the 2 organizations existing in that county or district are empowered to jointly recommend the appointment of a third honorably discharged veteran as defined by Act No. 190 of the Public Acts of 1965, as amended, to serve on the county or district committee. The board of trustees may also appoint on a county or district committee a representative of a local veterans' organization now in existence or which may be hereafter organized, which has in its membership not less than 3% of all veterans originally entering the service from the territory covered by the county or district committee. Each member of a county or district committee shall be an honorably separated veteran as defined by Act No. 190 of the Public Acts of 1965, as amended. The board of trustees may remove a member of a county or district committee for misfeasance, malfeasance, or nonfeasance in office, after hearing. Members of county and district committees shall serve without compensation, but shall be entitled to actual and necessary expenses incurred in carrying out their duties, such expenses together with administration expenses to be paid from moneys allocated to county and district committees as provided in this act. The county boards of commissioners, or board of county auditors in counties having boards of county auditors, shall provide suitable office space for veteran county and district committees. A veteran who considers himself aggrieved at a decision rendered by a county or district committee in connection with a request for assistance may appeal to the board of trustees, and the decision of the board of trustees on an appeal referred to it shall be final and binding on the veteran and the county or district committee.

**History:** 1946, 1st Ex. Sess., Act 9, Imd. Eff. Feb. 25, 1946;—CL 1948, 35.606;—Am. 1949, Act 306, Eff. Sept. 23, 1949;—Am. 1954, Act 117, Eff. Aug. 13, 1954;—Am. 1975, Act 226, Imd. Eff. Aug. 27, 1975.

**Popular name:** Veterans' Trust Fund Act

### **35.607 Funds; distribution by state treasurer.**

Sec. 7. Funds shall be distributed to the several county treasurers by the state treasurer at the direction of the board of trustees. The funds distributed shall be credited by the county treasurer to a county veterans' trust fund and shall be disbursed by the county treasurer on vouchers drawn by the county clerk based on orders filed by the county or district committee. Allocations to district committees shall be distributed to the several county treasurers of the counties composing the district. The veterans' trust fund shall be covered by the official bond of the county treasurer.

**History:** 1946, 1st Ex. Sess., Act 9, Imd. Eff. Feb. 25, 1946;—CL 1948, 35.607;—Am. 2002, Act 153, Imd. Eff. Apr. 8, 2002.

**Popular name:** Veterans' Trust Fund Act

### **35.608 Veterans' committees; regulation by state board of trustees; audit.**

Sec. 8. The county and district committees shall be governed by the rules and regulations of the state board of trustees. The board of trustees, the veteran county or district committees, and the county treasurers shall be subject to audit in the same manner as provided under the accounting laws of this state for state departments and counties.

**History:** 1946, 1st Ex. Sess., Act 9, Imd. Eff. Feb. 25, 1946;—CL 1948, 35.608;—Am. 2002, Act 153, Imd. Eff. Apr. 8, 2002.

**Popular name:** Veterans' Trust Fund Act

**Administrative rules:** R 35.1 et seq.; R 35.621 et seq.; R 35.631 et seq.; and R 35.651 et seq. of the Michigan Administrative Code.

**35.609 Obtaining or giving grant by fraud; penalty.**

Sec. 9. Any person who shall knowingly, by fraudulent representations, obtain or allow to be obtained any payment or aid herein provided for shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not to exceed \$500.00 or imprisonment in the county jail not to exceed 6 months, or both such fine and imprisonment in the discretion of the court.

**History:** 1946, 1st Ex. Sess., Act 9, Imd. Eff. Feb. 25, 1946;—CL 1948, 35.609.

**Popular name:** Veterans' Trust Fund Act

**35.610 Appropriation.**

Sec. 10. There is hereby appropriated from the general fund of the state the sum of \$50,000.00 to the board of trustees to defray expenses in carrying out the provisions of this act, to be disbursed in accordance with the accounting laws of the state.

**History:** 1946, 1st Ex. Sess., Act 9, Imd. Eff. Feb. 25, 1946;—CL 1948, 35.610.

**Popular name:** Veterans' Trust Fund Act